

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Simpson, et al.

Serial No.: 09/998,996

Filed: November 15, 2001

Group Art Unit: 2157

Examiner: El Chanti, Hussein

Docket No. 10007672-1

For: System and Method for Accessing Network Services

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed November 28, 2007 has been carefully considered. In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

REMARKS

The Examiner has provided in the Examiner's Answer various responses to points made in Applicant's Appeal Brief. Applicant addresses those responses in the following.

A. The Issue of Examiner Impropriety

In the Examiner's Answer, the Examiner points out that an examiner's impropriety in regard to incorrectly designating an Office Action as final is a matter for petition, not appeal. As stated in the Appeal Brief, Applicant, in seeming contrast to the Examiner, is aware of proper Office procedures and presented the facts surrounding the Examiner's actions as an indication of the Examiner's disregard for USPTO rules and Applicant's rights as they provide a context from which Applicant believes the Examiner's rejections should be judged. Specifically, if the Examiner does not feel compelled to follow USPTO rules, it stands to reason that the Examiner would not feel compelled to follow the letter of the law as expressed in 35 U.S.C. §§ 102 and 103.

Beyond merely mistakenly designating what should have been a non-final Office Action as final, the Examiner's course of conduct appears to reveal a deliberateness in the Examiner's actions. Further evidence of that deliberateness includes is the Examiner's choice to issue not one, not two, but three Notice of Non-Compliant Appeal Briefs, each complaining about aspects of the Applicant's Appeal Brief as originally filed. It appears clear that the Examiner is less concerned about ensuring that patentable claims are issued than wasting Applicant's resources and posing as an impediment to Applicant receiving a patent.

The Examiner has clearly abused his discretion in the prosecution of the present patent application. Applicant respectfully requests that the Board at minimum keep the Examiner's course of conduct in mind when judging whether the Examiner's prior art rejections are based in fact or something else. If the Board believes it to be within its power and in the interest of fairness, Applicant would be grateful for a more direct action on the part of the Board that would in some way address the inequities Applicant has faced in the prosecution of patent application.

B. Claim Rejections under 35 U.S.C. § 112, Second Paragraph

In the In view of the Examiner's belated withdrawal of the rejections under 35 U.S.C. § 112, second paragraph expressed in the Examiner's Answer, Applicant withdraws those rejections from the grounds to be reviewed on appeal by the Board.

C. Designating a Printing Service Address as a Default Destination

As indicated in the Appeal Briefs, Savitzky does not teach "designating the network-based printing service address as a default destination such that a user browser executing on a client device is redirected directly to the network-based printing service when a print command is received". As also indicated in the Appeal Briefs, column 12, line 42 to column 13, line 14 of the Savitzky reference simply describe a user browsing to a printer agency 60 to print in the Savitzky system. No "default designation" exists and no "redirection" to a printing service occurs in Savitzky's process.

On page 9 of the Examiner's Answer, the Examiner alleges, without any explanation or support, that the Examiner "interprets the address of the printer agency as

a default address.” As a first matter, Applicant objects to the Examiner’s allegation as comprising nothing more than a conclusion. Although the Examiner cites “see col. 12 lines 66-col. 13 lines 14,” the Examiner does not identify what described in that portion of Savitzky’s disclosure leads the Examiner to his “interpretation” or why. Applicant reproduces that section in the following for the Boards consideration:

Referring again to FIG. 5, printer agency 60 is used to provide a document-centric interface to a printer 62. When a user requests, via browser 64 or otherwise, that an HTML document 66 be printed on printer 62, the user simply sends a request for document 66 to printer agency 60, which obtains the document, renders it as it might appear on printer 62 (or a low-resolution version of the rendering), attaches control buttons 68 to the document and serves the print preview version of the document to the user. As shown in FIG. 5, the output 70 of browser 64 includes control buttons 68 labelled "PRINT", "OPTIONS" and "STATUS". The "PRINT" button contains a tag which will cause printer agency 60 to send the document to printer 62, while the "OPTIONS" and "STATUS" buttons cause printer agency 60 to serve up an option selection form and a printer status page, respectively.

Savitzky, column 12, line 66 to column 13, line 14. As can be readily appreciated from the above paragraph, although Savitzky describes a user sending a request to a printer agency 60 via a browser, Savitzky does not indicate that the printer agency 60 is somehow designated as a default destination such that the browser “is redirected directly to the network-based printing service when a print command is received”.

As a final matter regarding the “designating” limitation, Applicant notes that the term “redirect” has a well-established meaning to persons having ordinary skill in the data networking art. Specifically, redirection is a technique in which a network (e.g., Internet)

browser is automatically “redirected” from an initial address (e.g., URL address) to a different address (e.g., URL address). Savitzky clearly contemplates nothing of the sort.

D. Automatically Redirecting a User Browser to the Printing Service

As expressed in the Appeal Briefs, Savitzky also does not teach “automatically redirecting the user browser to the network-based printing service” given that, as described above, Savitzky does not contemplate the designation of a printing service address being designated as a default to which a browser is redirected when a print command is received. It logically follows then that Savitzky also does not teach the action of so redirecting the browser.

On page 10, the Examiner alleges, for the first time in prosecution of the instant application, that Savitzky teaches such redirecting in column 13, lines 10-14 and lines 29-44 and Figure 5. Applicant reproduces the applicable text below:

The "PRINT" button contains a tag which will cause printer agency 60 to send the document to printer 62, while the "OPTIONS" and "STATUS" buttons cause printer agency 60 to serve up an option selection form and a printer status page, respectively. . . .

As shown in FIG. 5, printer agency 60 formats print preview page 70 with controls not found on the original document, namely the button controls 68 mentioned earlier and a control indicating the URL of the page being previewed. This is an improvement over previous browsers which required the user to use buttons provided as part of the browsers itself to print and print preview documents. Because not all browsers can be preprogrammed to deal with all printers (currently, no browsers have true preview functions), a user could not view a page as it might be printed, but as the browser

presumed it might be printed. With the printer agency doing the rendering, a more accurate print preview is provided, while freeing each browser manufacturer from having to code printer emulators for many different printers. Printer functionality can change without change to browser or host software.

With a printer agency, documents in HTML form (or any other form, for that matter) can be sent to the printer and be rendered with the settings provided by the user, instead of the author of the document, as is the case with page description languages such as Postscript.RTM. and Acrobat.TM. languages. The bandwidth needed to transfer the document to the printer agency is also reduced since it is in HTML format. Because the documents are still in HTML format when they arrive at the printer agency, the printer agency can perform some clever handling of the documents. For example, the user might specify that documents to be printed should be followed by one or more levels of linked documents.

Savitzky, column 13, lines 10-14 and lines 29-44.

As an initial matter, Applicant reiterates that the term “redirect” is a well-established term of art and therefore must be interpreted in accordance with its well-established, plain and ordinary meaning in the art. Again, redirection is a technique in which a network (e.g., Internet) browser is automatically “redirected” from an initial address (e.g., URL address) to a different address (e.g., URL address).

With reference first to lines 10-14 (the first portion of the reproduced text), Savitzky describes what is shown in Figure 5. In that figure, a “WebPrinter Home Page” is shown in a browser. That web page is the home page for the printer agency 60 also shown in Figure 5. The “PRINT” button 68 described by Savitzky is provided on that web page. As described by Savitzky, when the “PRINT” button 68 is selected, the printer agency 60

sends the user's document to a printer 62. Clearly, such an action does not comprise a browser redirection to a printing service. First, no redirection occurs. Second, the browser is already at the printer agency's home page (and therefore web server), so there is no "printing service" to be redirected to!

Lines 29-44 of column 13 (the second portion of the reproduced text) are similarly devoid of any discussion of redirecting a browser to a printing service. Given that the Examiner has not specifically identified which portions of lines 29-44 are believed to contain a teaching of redirecting a browser to a printing service, Applicant can provide no further response as to the disclosure contained in those lines.

E. Accessing Data from a Personal Imaging Repository

As indicated in the Appeal Briefs, Savitzky also does not teach "accessing image data from a personal imaging repository with the network-based printing service". Although Savitzky generally mentions "obtaining" a document to be printed, no reference is made to any "personal imaging repository".

On page 10 of the Examiner's Answer, the Examiner states that Savitzky teaches "obtaining a URL of the network based printing service." In reply, Applicant notes that, even one assumes the Examiner's statement to be true, a disclosure of obtaining a printing service's URL is clearly not a disclosure of a printing service accessing a user's personal imaging repository.

F. Dependent Claims

Although the Examiner issued two Notices of Non-Compliant Appeal Brief focused on the issue of providing an identification of support for each and every dependent claim argued in the Appeal Briefs, the Examiner does not respond as to those dependent claims. Specifically, the Examiner provided no response to the arguments presented by Applicant at least in relation to claims 20, 25, 26, and 27. Applicant respectfully submits that the Examiner's omission to respond as to those claims is a tacit admission that those claims are allowable over Savitzky. In the following, Applicant provides replies in regard to the dependent claims upon which the Examiner chose to respond.

In regard to dependent claim 2, Applicant had noted in the Appeal Briefs that Savitzky does not teach "receiving" a universal resource locator (URL) of a network-based printing service. Regarding the Examiner's allegation that Savitzky's print agency 60 redirects the user's browser when a print command is received, thereby displaying a page with a new URL, Applicant notes that the Examiner's position has no basis in fact. Nowhere does Savitzky indicate that redirection occurs when the "PRINT" command is selected. Instead, as described above, Savitzky expressly states that the user's document is merely sent to a printer when the "PRINT" command is received. See *Savitzky*, column 13, lines 9-14.

Regarding dependent claim 4, Applicant had noted in the Appeal Briefs that Savitzky does not teach "updating a record of a current default destination with an imaging extension". First, Savitzky does not teach "updating a record of a current default destination". Simply stated, no "record" of any "current default destination" is used in Savitzky's system. Second, Savitzky does not describe any "imaging extension" that

performs such updating. In reply to the Examiner's allegation that such actions are taught in column 13, lines 1-44, Applicant notes that the Examiner's lack of specificity as to the location of the alleged teaching within those lines is indicative of the fact that such a teaching is not presenting those lines. Applicant respectfully requests that the Board carefully review that portion of Savitzky's disclosure to confirm Applicant's position that Savitzky says nothing of redirection, default destination, records of default destinations, updating of such records, or imaging extensions.

Regarding dependent claim 6, Applicant had noted in the Appeal Briefs that Savitzky does not teach "instructing a personal imaging repository that stores image data available for printing to designate the network-based printing service address as the default destination". Again, Savitzky does not contemplate the concept of "designating" a printing service as any "default destination". Instead, the user simply browses to the printing service on his or her own volition. In reply to the Examiner's allegations regarding Savitzky's "preview" image, Applicant reiterates that Savitzky says nothing of a default destination or redirection that occurs when a "PRINT" command is received, as claimed by Applicant. Because of that, the Examiner's argument is based upon a false premise.

Regarding dependent claim 9, Applicant had noted in the Appeal Briefs that Savitzky does not teach "removing the designation of the network-based printing service address as a default destination". Because Savitzky does not contemplate the concept of "designating" a printing service as any "default destination" in the first place. In reply to the Examiner's arguments regarding Savitzky having separate URLs as to specific documents, Applicant's claims refer to a default destination and/or address of a printing

service, not a specific document. Therefore, the Examiner's focus on those URLs is misplaced.

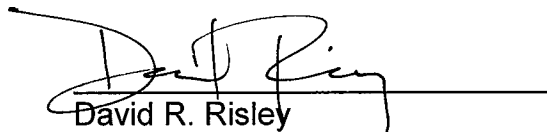
Regarding dependent claim 31, Applicant had noted in the Appeal Briefs that Savitzky does not teach an "imaging extension" that "comprises part of the user browser" or "downloading generic access instructions from the network-based printing service to the imaging extension to call on the imaging extension to access the personal imaging repository". Simply stated, Savitzky fails to teach an "imaging extension" or that "instructions" are downloaded to "call on the imaging extension to access" a "personal imaging repository". In reply to the Examiner's argument regarding Savitzky's URL comprising the claimed "imaging extension", a URL clearly is not "part of the user browser". Therefore, the Examiner's argument in regard to claim 31 is deficient.

Regarding dependent claims 32 and 34, Applicant had noted in the Appeal Briefs that Savitzky fails to teach an "application programming interface (API)" and that column 21, lines 50-67 of the Savitzky reference do not mention an API or an API that it performs the functions explicitly described in Applicant's claims. In reply to the Examiner's comments about "layers," the Examiner has not provided citations to the Savitzky reference and Applicant therefore cannot follow the Examiner's argument. In reply to the Examiner's identification of an API described in column 21, lines 55-67, the Examiner has not established that that API performs the actions attributed to the claimed "imaging extension" to which the API limitation refers.

CONCLUSION

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,



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